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November 30, 1989

The Hon. Howard Metzenbaum
140 Russell Senate Office Bldg.
Washington, D.C. 20510

The Hon. John Glenn
Room 503 Hart Senate Office Bldg.
Washington, D.C. 20510

The Hon. Richard Celeste, Governor
State of Ohio
Broad & High Streets
Columbus, Ohio 43215

Re: The Skinner Landfill in Butler County, Ohio and the efforts
of the State and Federal governments to abate the nuisance.

Dear Senators Metzenbaum and Glenn and Governor Celeste:

I am enclosing a remarkable file which we obtained from the
Ohio E.P.A. office in Dayton, Ohio. These depressing documents
indicate, among other things:

(1) Apparently, as early as 1976, regulators were trying to
do something about the contaminants being stored on the site. In
May, 1976, according to page 2-6 of Exhibit 1, the owners, perhaps
in a fit of bravado, reported the following materials to have been
dumped on the site: nerve gas, mustard gas, incendiary bombs,
phosphorous, flame throwers, cyanide ash, and other explosive
devices. Whether or not the owner's statements were true, the
fact remains that dangerous substances are being stored in the
fill.

(2) Apparently six years later, a remedial action plan was
adopted in May, 1973.

(3) Then another four years elapsed (11 years from the 1976
meeting) and the U.S. E.P.A. finally expressed an intent to sue,
because the owners continued to violate the law. (Exhibit 2).

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(4) Because of the severity of the problem, the site was placed on the Superfund National Priorities list and four years later, in March, 1986, a study was commenced to discover the nature and extent of the contamination and to evaluate possible remedies. (See Exhibit 3).

(5) Another year rolled by, and on November 10, 1987, the Ohio E.P.A., having, we guess, forgotten about its earlier threat to sue, wrote to the proprietor advising her that she was in violation of several sections of the Ohio Revised Code and the proprietor was told that the Ohio E.P.A., this time, really meant business. (Exhibit 4). On November 23, 1987, the Ohio E.P.A. wrote to Mrs. Skinner announcing the results of their November 16 reinspection of the property. (Exhibit 5).

(6) Apparently all that had not induced much action, either, and on June 22, 1988, Ohio E.P.A. wrote a strong letter to U.S. E.P.A. complaining of the poor quality of U.S. E.P.A. work on the Skinner site. (Exhibit 6).

(7) On November 4, 1988, the Butler County Board of Health wrote to the Butler County Assistant County Prosecutor asking that suit be filed to enjoin illegal dumping. (Exhibit 7). We know of no suit every having been instituted.

(8) On April 7, 1989, 13 years after the first recorded conversation between a government regulator and the proprietor of the dumping site, the proprietor gave notice to her customers that they should behave better. (Exhibit 8).

(9) On April 25, 1989, Ohio E.P.A. again wrote to the proprietor reminding her that on November 10, 1987, she had been told that she was in violation of four sections of the Ohio Revised Code. (Exhibit 9). What happened to all the earlier threats?

(10) The final document is a letter to the Ohio E.P.A. from the proprietor's lawyer stating that she really did not know what solid waste was supposed to have been deposited in her demolition site. (Exhibit 10). Apparently the author of that letter was not present at the meeting 13 years earlier, in which it was reported that the proprietor said that cyanide ash, phosphorous, flame throwers and several other unpleasant items had been deposited.

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Thus, it appears that after 13 years of Federal and State governmental inaction, nothing has been done, while the problems and safety hazards mentioned in the first document, Exhibit 1, persist.

The enclosures reveal an abundance of reports and lots of letters, but, despite what has been an apparently considerable expenditure in time, no real progress has been made to end this dangerous condition.

One clear fact emerges from this unfortunate file: unless they are prodded into activity by elected officials, nothing will be done by the State and Federal agencies which have been established to prevent just this sort of contamination of the environment. Perhaps you, as elected officials, can shake up these public employees.

Please let me hear from you.

Very truly yours,



Albert H. Neman

AHN:mas
enclosures

09:8-34,35/mas